

**USDA Forest Service, Pacific Southwest Region (R5),  
Lake Tahoe Basin Management Unit,  
Lake Tahoe Basin Federal Advisory Committee**

**CHARTER**

**1. Committee's Official Designation**

Lake Tahoe Basin Federal Advisory Committee (Committee)

**2. Authority**

The Charter for the Committee is hereby re-established pursuant to the Federal Advisory Committee Act (FACA)(5 U.S.C. App. 2).

**3. Objectives and Scope of Activities**

The purpose of the Committee is to provide advice to the Secretary of Agriculture and to the Federal Interagency Partnership (Partnership), established by Executive Order 13057 (July 26, 1997), on how the Partnership can best fulfill its duties pursuant to that order to protect the extraordinary natural, recreational, and ecological resources in the Lake Tahoe Region, as defined by An Act To Grant the Consent of the Congress to the Tahoe Regional Planning Compact...of December 18, 1969 (Pub. L. No. 91-148), an Act of December 19, 1980 (Pub. L. No 96-551) (Tahoe Regional Planning Compact), the Lake Tahoe Restoration Act (Pub. L. No. 106-506), and the Southern Nevada Public Land Management Act of 1998, as amended (Pub. L. No. 105-263).

The advice of the Committee shall consist of the consensus of its members, representing the broad array of local, regional, state, tribal and national interests concerned with the environmental, economic, and cultural health of the Lake Tahoe Basin.

**4. Description of Duties**

The Committee shall be solely advisory in nature and shall:

- a. Provide periodic reports, prepared on a schedule to be established by the Chair of the Partnership, recommending specific Environmental improvement Program (EIP) funding actions that should be taken by the agencies participating in the Partnership, individually and collectively, to assist the Tahoe Regional Planning Agency in implementing its programs, to achieve and maintain the environmental threshold carrying capacities as mandated by the Tahoe Regional Planning Compact (Pub. L. No. 96-551) and identified in the EIP;
- b. Advise and recommend actions that should be taken by the agencies participating in the Partnership to assist the Tahoe Regional Planning Agency to

achieve its other goals, including economic goals for the Lake Tahoe Basin;

- c. Respond to requests from the Partnership or its Chair for any other advice relating to the Partnership's fulfillment of its duties pursuant to Executive Order 13057;
- d. Advise, as requested by the Partnership or its Chair, on the preparation of annual reports to the President on the implementation of Executive Order 13057;
- e. Provide advice on how to facilitate the integration and coordination of appropriate Federal programs and funds to help achieve the goals of the EIP.
- f. In providing advice the Committee may:
  - a. Conduct, as part of its review, public meetings to gather and review information relevant to EIP funding recommendations under Public Law 106-506 and Public Law 105-263; and
  - b. Prepare work plans that outline planned activities and timelines for accomplishing tasks responsive to the purpose and scope of this charter.

## **5. Agency or Official to Whom the Committee Reports**

The Committee reports to the Secretary through the Forest Service Chief.

## **6. Support**

- a. USDA shall provide the Committee with sufficient facilities in which to conduct its meetings and to provide a repository for its minutes and records.
- b. Financial, administrative, and technical support for the Committee will be provided by the Forest Service.

## **7. Estimated Annual Operating Costs and Staff Years**

Annual operating costs are estimated to be \$115,000 with 1.0 full time equivalent staff support and direct costs. USDA shall provide such additional funding as reasonably necessary to achieve the purpose for which the Committee was created.

Members of the Committee shall serve without pay. In the performance of their duties away from their homes or regular places of business, Committee members may be allowed reimbursement for travel expenses including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703.2. All expenses are subject to approval by the DFO.

## **8. Designated Federal Officer**

A permanent Federal employee is to be appointed in accordance with agency procedures and will serve as the Designated Federal Official (DFO). The DFO will approve the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the

DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

The Lake Tahoe Basin Management Unit (LTBMU) Forest Supervisor or designee serves as the Designated Federal Officer of the Committee.

**9. Estimated Number and Frequency of Meetings**

The Committee shall meet at least bi-annually, but may meet as often as necessary to complete its business. As required by FACA, the Committee will hold open meetings unless the Secretary of Agriculture determines that a meeting or a portion of a meeting may be closed to the public in accordance with Subsection c of Section 522 (b) of Title 5, USC.

The Committee shall not hold any meetings except at the call of, or with advance approval of, the DFO. Notice of each meeting shall be published in the Federal Register at least 15 days before each meeting. Committee members will be notified personally of the date, time and place of each meeting.

**10. Duration**

Continuing

**11. Termination**

In accordance with Departmental regulations, unless renewed, the Committee will terminate 2 years from the date of filing the Charter.

**12. Membership and Designation**

12a. This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

12b. The Committee will be comprised of no more than 20 members approved by the Secretary of Agriculture and representing the following interests:

1. Gaming
2. Environmental
3. National Environmental
4. Ski resorts
5. North Shore economic/recreation
6. South Shore economic/recreation
7. Resort associations
8. Education
9. Property rights advocates
10. Science and Research

11. California local government
12. Nevada local government
13. Washoe Tribe
14. State of California
15. State of Nevada
16. Tahoe Regional Planning Agency
17. Labor
18. Transportation
19. Member at Large (2) positions

Some members are appointed for 2-year terms, and some members will be appointed for 3-year terms.

12c. Of these members, one will become the chairperson who is recognized for his or her ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. The Chairperson is selected by consensus vote. A co-chairperson may be assigned, especially to facilitate his or her transition to become the chairperson in the future.

#### 12d. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any “specific party matters” (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the DFO (for discussion with USDA’s Office of Ethics) any specific party matter in which the member’s immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee’s recommendations. Members of the Committee shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee’s advice and recommendations. Members who are appointed as “Representatives” are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as “Special Government Employees” (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGE’s are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a

Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

#### 12e. Equal Opportunity Statement

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent all racial and ethics groups, minorities, women and men, and persons with disabilities.

### 13. **Subcommittees**

The USDA Forest Service has the authority to create subcommittees. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Agency.

### 14. **Recordkeeping**

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

<http://www.fs.usda.gov/goto/lbmu/LTFAC>

### 15. **Filing Date**

October 15, 2015